

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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EDWIN ZAYAS, <i>Individually and on Behalf of all</i> :	
<i>Others Similarly Situated,</i> :	
Plaintiff, :	22-CV-9872 (VEC) (OTW)
-against- :	<u>ORDER</u>
JLM VENTURE IV LLC, and 5 BROTHERS :	
GOURMET DELI INC., :	
Defendants. :	
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ONA T. WANG, United States Magistrate Judge:

On July 28, 2023, I ordered Defendant 5 Brothers Gourmet Deli Inc. (“5 Brothers”) to show cause by August 28, 2023 why I should not recommend sanctions be issued against them for failure to comply with a court order pursuant to Fed. R. Civ. P. 16(f), 18 U.S.C. § 401, and/or the Court’s inherent authority. (ECF 71). 5 Brothers has not filed a showing of cause on the docket. Pursuant to the Court’s July 28, 2023 Order, Plaintiff Edwin Zayas and Defendant JLM Venture IV LLC (“JLM”) filed letters detailing the costs and fees associated with the July 27, 2023 conference call. Zayas’s total fees and costs were \$490.50, and JLM’s total fees and costs were \$775.00. (ECF Nos. 74 and 75).

I have reviewed Zayas’s and JLM’s submissions and find that they are reasonable. Although some progress was made in the settlement calls, we were unable to finally resolve the case during those calls due to 5 Brothers’s absence. Accordingly, 5 Brothers is sanctioned as follows:

- 5 Brothers is directed to pay to Zayas's counsel **\$245.25**, which represents half of counsel's fees for preparing and attending the July 27 conference; and
- 5 Brothers is directed to pay to JLM's counsel **\$387.50**, which represents half of counsel's fees for preparing and attending the July 27 conference.

Such payment shall be made by **December 31, 2023**. Any objections made by 5 Brothers to the above sanctions award must be filed **on or before October 27, 2023**.

The Court will hold a Pre-Settlement Conference Call with Zayas and JLM on **November 7, 2023 at 3:30 p.m.** The dial in information is (866) 390-1828, access code 1582687.

Counsel for Zayas and counsel for JLM are both directed to serve a copy of this order on 5 Brothers and file proof of service on the docket.

SO ORDERED.

Dated: October 12, 2023
New York, New York

s/ Ona T. Wang
Ona T. Wang
United States Magistrate Judge